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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,174

09/29/2003

Leigh E. Wood

58328US002

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32692 7590 05/29/2009
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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

NOTIFICATION DATE

DELIVERY MODE

05/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte LEIGH E. WOOD and BYRON M. JACKSON

Application 10/674,174
Technology Center 3600

Mailed: May 28, 2009

Before PAULA CONN, *Paralegal Specialist*.
CONN, *Paralegal Specialist*

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on May 20, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER, HEADINGS

A review of the file indicates that the Examiner's Answer filed October 10, 2007, does not comply with the guidelines provided in MPEP § 1207.02 because it does not contain all of the required heading items. Specifically, the Examiner's Answer must contain the following heading items in the following order:

- (1) *Real party in interest.*
- (2) *Related appeals and interferences.*
- (3) *Status of claims.*
- (4) *Status of amendments After Final.*
- (5) *Summary of claimed subject matter.*
- (6) *Grounds of rejection to be reviewed on appeal.*
- (7) *Claims Appendix.*
- (8) *Evidence Relied Upon.*
- (9) *Grounds of Rejection.*
- (10) *Response to Argument.*
- (11) *Related Proceedings Appendix.*

An in-depth review of the Examiner's Answer indicates that the following sections are missing from the Examiner's Answer mailed October 10, 2007, and/or are not complete or clear in setting forth agreement or disagreement with the Appeal Brief:

- 7) "Claims Appendix",

A substitute Examiner's Answer that is in compliance with the guidelines is required. *See also Manual of Patent Examining Procedure (MPEP)*

§ 1207.02 (8th ed. Rev. 6, Sept 2007) for details.

Application 10/674,174

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed October 10, 2007;
- 2) to generate a new Examiner's Answer in compliance with the guidelines; and
- 3) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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